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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,512	01/08/2002	Kurt A. Reichold	920975.90020	2834

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EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 10/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,512

Applicant(s)

REICHOLD ET AL.

Examiner

FRANKIE L. STINSON

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: .

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1. The Restriction Requirement made by the Office on May 15, 2003 is hereby withdrawn with an action on the merits of claims 1-27 following.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erickson et al. in view of either Kauffman or Fujii et al.

Re claims 1, 14, 22 and 26 Erickson is cited disclosing an apparatus for dispensing detergent into a washer comprising a reservoir (not shown) for containing detergent, a flow control device (182), a sensor (154) which produces a signal indicating the amount of detergent in the water, a controller connected to the flow controller which has two modes of operation (see col. 11, line 31- 51), the first mode being in which a quantity of detergent is dispensed, which is determined in response to the amount of detergent in the water as indicated by the sensor(s) and the second mode in which detergent is dispensed in a predetermined wash routine times and rinse routine times of traditional washing machines that differs from the claims only in the recitation of the predetermined quantity of detergent. Although believed to be inherent in Erickson, Kauffman (see col.3, lines 7-26) and Fujii (see col.1, lines 13-20) are cited disclosing a traditional/conventional machine for washing article/wares where there is provided a conventional/traditional mode of operation that dispenses a predetermined amount of detergent. It therefore would have been obvious to one having ordinary skill in the art to

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modify the device of Erickson, to have the detergent delivered in a predetermined amount as taught by either Kauffman or Fujii, since Erickson discloses the second mode to be traditional/conventional. Re claim 2, Erickson discloses the sensor detecting the electrical conductivity of the water. Re claims 3 and 5, Erickson discloses the controlling switching between the first mode and second mode in response to the amount of change of the conductivity changes (see col. 10, lines 46-63). Re claims 4 and 15, Erickson discloses the plurality of sensors (see col. 5, lines 57-64). Re claims 6, 16 and 17 the switch in modes as a function of a predetermined amount of conductivity change is deemed to be inherent. Re claims 7, 18 and 25, Erickson discloses the derived value (see col. 10, line 57-62). Re claims 8 and 9, Erickson discloses the storage device (see fig. 15) and which determines the proper amount of detergent to be dispensed in response to the detergent present in the water. Re claims 10 and 21, Erickson discloses the controller operating the flow control device to dispense detergent. Re claims 11, 19 and 20, Erickson discloses the input device (200). Re claims 12 and 13, no patentable distinction is deemed to exist control device being a pump or valve as claimed, and the corresponding structure in Erickson (see MPEP 2144.06). Re claim 23 and 24, Erickson discloses the conductivity being reliable and unreliable as claimed. Re claim 27, Erickson discloses the sensor detecting the conductivity and switching between the first and second mode.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Wood, Cooper et al., Chan et al., Seeland, Quandt et al.,

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Payne et al., Lausberg et al., Japan'222, EPO'057, and Denisar, note the dispenser and controlling means.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

fls


FRANKIE L. STINSON
Primary Examiner
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